REMARKS/ARGUMENTS

1.) Claim Amendments

Claims 1-8, 10-19 and 21-22 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 101

The Examiner rejected claims 1-8, 10-19 and 21-22 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Applicants have amended claims 1-8 and 10-12 to direct the claimed inventory toward statutory subject matter. Claims 13-19 and 21-22 depend directly or indirectly from amended claim 12. The Examiner's consideration of the amended claims is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 102(e)

The Examiner rejected claims 1-8, 10-19 and 21-22 under 35 U.S.C. § 102(e) as being anticipated by Gouge, et al. (US 6,931,429). The Applicants respectfully traverse the rejection. Gouge discloses a system and method for dynamic delivery of services and applications <u>from a server to a mobile computing device</u> in a wireless proximity framework. According to Gouge, this wireless proximity framework allows users of mobile computing devices to dynamically access services and applications available in a given geographic area <u>without</u> pre-installing software for each service or application. <u>Hence, critical operating and application software in Gouge resides off the mobile computing device</u>. Gouge necessarily requires interactions between a server and the mobile device, whereas in the present invention, all of the interactions occur on the mobile device itself.

Examiner cites col. 9, lines 27-35 of Gouge as showing the framework domain. However, there is no correlation between the framework domain of Gouge and the software application framework of the present invention. Examiner further cites col. 14, lines 1-67 (the entire column). This column discloses a client platform adaptation layer 510, client application 55, client framework layer 530, UI layer 520, client 50, client

communication layer 540, <u>PNS communication layer 550, PNS application layer 580, translation layer 560, and PNS platform adaptation layer 590.</u> The PNS comprises a server outside of the mobile platform.

As best as can be determined, the framework interface domain of the present invention is equated to the client framework layer 530, the first application entity is equated to client application 55 and the second application entity is equated to the application server software. These elements are in the mobile device and in the server of Gouge, whereas all of the elements of the present invention reside in the mobile device. Referring to claims 2 and 13, the utility entity is equated to either the client UI layer or the communication layer as is the plug-in entity. Again, in Gouge, these are elements from a server and a mobile device.

Page 6 of the present application provides: "... [a] framework 100 includes a rulebook for the application domain 102, <u>including all application domain software operating within the application domain 102.</u>" In the present invention, all of these elements are resident on the mobile terminal. Further: "[s]hown within the middleware domain 103 is an open-platform application-programming interface (open platform API) 106. Shown within the application domain 102 is a utility entity 108, an application entity 110, and a plug-in entity 112. The open platform API 106 is a framework interface layer in a middleware domain 103 of a mobile platform (not shown in FIG. 1). The open platform API (OPA) 106 separates the utility entity 108, the application entity 110, and the plug-in entity 112 (collectively, application domain software) in the application domain 102 from the platform domain 104 and provides an extensive API from the platform domain 104 to the application domain software. The application entity 110, the utility entity 108, and the plug-in entity 112 interface with the platform domain 104 via the OPA 106. All services in the platform domain 104 are accessed via the OPA 106." In light of the clear and convincing differences between the present invention and the invention of Gouge, the Examiner's consideration of the amended claims is respectfully requested.

4.)   Prior Art Not Relied Upon

In paragraph 7 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicants' disclosure. Neither of the additional references, alone or together, disclose or suggest the present invention.
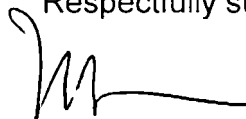
CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-8, 10-19 and 21-22.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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